UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,754	11/26/2001	Janne Aaltonen	367.39525X00	5347

22907 7590 03/30/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051	EXAMINER
	GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-13,15-21,23-34,39,40 and 45-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-13,15-21,23-34,39-40,45-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-4,6-13,15-21,23-34,39-40,45-50

have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4,6-13,15-21,23-34,39-40,45-50 are rejected under 35 U.S.C. 103(a) as

being unpatentable over .McKanna (US pat.) in view of Bodin et al (us 5,241,685).

Claims 1,45-46,49-50, McKenna teaches an apparatus (see figures 1-2 in

particular item # 100 and 118) comprising:

McKenna teaches a processor(118) operable to initiate delivery of content a

through first wireless network(126 and 123) in response to a criterion being met by data

derived from a second wireless network 141,142,143 of figure 1B)((see abstract ,

column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65-

column 27,line 8 and figures 1-2).

McKenna teaches wherein the criterion is met when the data derived form the

second wireless network exceeds a predetermined threshold value, (see column 19,

lines 8-16, col. 20, line 64-col. 21, line 43).

McKenna teaches a cell 909 provides cellular communication service for subscribers who are located at or around entertainment complex 912 and a cell also are subject to varies to traffic and configures the narrowband coverage area (see column 24, lines 23-58).

McKenna does not expressly teaches the threshold value corresponds to a number of active terminals is a determined area.

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Claim 2,47-48, ,MeKenna teaches an apparatus as disclosed in claim 1,

comprising: criterion establishing means operable to establish the criterion as a function

of at least one indicia representative of user activity in the second wireless network (see

column 19, lines 8-16, col. 20, line 64-col. 21, line 43).

Claim 3, McKenna teaches an apparatus as disclosed in claim 2, wherein the

criterion establishing means is further operable to associate the criterion with particular

content to be delivered over the first wireless network (see column 19, lines

8-16, col. 20, line 64-col. 21, line 43).

Claim 4, McKenna teaches an apparatus as disclosed in claim 3, wherein the

Processor (114) is operable to initiate delivery of content whose associated criterion is

met (see column 19, lines 8-16, col. 20, line 64-col. 21, line 43).

Claim 6 , McKenna teaches an apparatus as disclosed in claim 1, wherein the

data derived from the second wireless network comprises a number of connected user

terminals to the second wireless network (see column 24, line 6-53) in which the

empties cell drops from narrowband coverage area.

Claim 7, McKenna teaches an apparatus as disclosed in claim 1, wherein the first

wireless network is a unidirectional digital broadband network and the second wireless

network is a bi-directional communications network (see abstract).

Claim 8, McKenna teaches an apparatus as disclosed in claim 7, wherein: the

unidirectional digital broadband network is a digital broadband network is a digital video

broadcast network (see abstract).

Claim 9-13,15-17,39-40 McKenna teaches a system (see figures 1-2)

comprising:

McKenna teaches a controller (118)connected to first and second wireless

networks, the controller connected to first and second wireless networks, the controller

including a processor (18)operable to initiate delivery of content through the first

wireless network in response to criterion being met by data delivered form the second

wireless network, (see abstract ,column 18, line 65-column 22, lines 50 ,col. 24, line 5-

col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2).

McKenna does not expressly teaches the threshold value corresponds to a

number of active terminals is a determined area.

However, Bodin teaches a cell in the area occupancy level is high or low than the

threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53

and figure 4), in which the occupancy level (number of users in the cell) is high the

decrease the coverage of the cell and if the number of user is lower then increase the

area coverage of the cell based .on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value

of load or occupancy level , in order to monitor the traffic and avoid interfering

overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at

the time of invention was made to modify McKenna system by setting a threshold or

critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic

load and allocate resource based on number of users in the area such as suburban

larger territory with few number of user and hot spot or downtown of a city where

number of user are greater, divide the cell in to sector and allocate a resource.

Claims 18-21,23-25, McKenna teaches a method (see figure 1-2) comprising McKenna teaches a controller (118) connected to first and second wireless networks, the controller connected to first and second wireless networks, the controller including a processor (18)operable to initiate delivery of content through the first wireless network in response to criterion being met by data delivered form the second wireless network, (see abstract ;column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2).

McKenna does not expressly teaches the threshold value corresponds to a number of active terminals is a determined area.

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic

load and allocate resource based on number of users in the area such as suburban
larger territory with few number of user and hot spot or downtown of a city where
number of user are greater, divide the cell in to sector and allocate a resource.

Claims 26-31, McKenna teaches a system (see figures 1-2) comprising:

a controller (118)connected to first and second wireless networks, the controller
connected to first and second wireless networks, the controller including a processor .
(18)operable to initiate delivery of content through the first wireless network in response
to criterion being met by data delivered form the second wireless network, (see abstract
,column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line
65- column 27,line 8 and figures 1-2).

McKenna does not expressly teaches the threshold value corresponds to a
number of active terminals is a determined area.

However, Bodin teaches a cell in the area occupancy level is high or low than the
threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53
and figure 4), in which the occupancy level (number of users in the cell) is high the
decrease the coverage of the cell and if the number of user is lower then increase the
area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value
of load or occupancy level , in order to monitor the traffic and avoid interfering
overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at

the time of invention was made to modify McKenna system by setting a threshold or

critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic

load and allocate resource based on number of users in the area such as suburban

larger territory with few number of user and hot spot or downtown of a city where

number of user are greater, divide the cell in to sector and allocate a resource.

Claims 32-34, McKenna teaches memory storing computer reable

instruction that, when executed , cause the processor to perform , (see column 19, 62

through column 20, line 35) comprising:

McKenna teaches Storing a controller (118)connected to first and second

wireless networks, the controller connected to first and second wireless networks, the

controller including a processor (18)operable to initiate delivery of content through the

first wireless network in response to criterion being met by data delivered form the

second wireless network, (see abstract ,column 18, line 65-column 22, lines 50 ,col. 24,

line 5-col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2).

McKenna does not expressly teaches the threshold value corresponds to a

number of active terminals is a determined area.

However, Bodin teaches a cell in the area occupancy level is high or low than the

threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53

and figure 4), in which the occupancy level (number of users in the cell) is high the

decrease the coverage of the cell and if the number of user is lower then increase the

area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

March 21, 2007

TILAHUN GESESSE
PRIMARY EXAMINER